

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. 03-
	:	
v.	:	DATE FILED: March 13, 2003
	:	
DANIEL J. SEAL, II	:	VIOLATIONS:
NICHOLAS PAZ	:	18 U.S.C. § 371 (Conspiracy to
	:	Tamper with a Witness - 1 Count)
	:	
	:	18 U.S.C. § 1512(b)(1) (Witness
	:	Tampering - 4 Counts)
	:	
	:	18 U.S.C. § 2 (Aiding and Abetting)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

1. From 1992 to the present, defendant DANIEL J. SEAL, II was an attorney licensed to practice law in the Commonwealth of Pennsylvania.
2. On or about May 31, 2002, defendant NICHOLAS PAZ was arrested by the FBI and charged with, among other offenses, bank robbery. Shortly after his arrest, defendant NICHOLAS PAZ expressed a desire to cooperate with the government in its investigation of others who committed criminal offenses.
3. On or about June 21, 2002, Harvey Clanton, a/k/a "Basir," was arrested by the FBI and charged with, among other offenses, conspiracy to commit bank robbery together with defendant NICHOLAS PAZ and two others. Shortly after his arrest, Clanton expressed a desire to cooperate with the government in its investigation of others who committed criminal offenses.

4. From in or about May 2002 to the present, a federal grand jury has been investigating, among other things, federal criminal violations committed by defendant NICHOLAS PAZ, Harvey Clanton and others.

5. After both defendant NICHOLAS PAZ and Harvey Clanton were ordered detained, officials at the Federal Detention Center in Philadelphia separated defendant NICHOLAS PAZ from Harvey Clanton so that they would not be able to directly communicate with each other.

6. On or about June 27, 2002, defendant DANIEL J. SEAL, II entered his appearance on behalf of defendant NICHOLAS PAZ.

7. As an attorney licensed to practice in the Commonwealth of Pennsylvania, defendant DANIEL J. SEAL, II must comply with the Pennsylvania Code of Professional Conduct, including Rule 4.2 which states that “[i]n representing a client, a lawyer shall not communicate about the subject of the representation with a party the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized by law to do so.”

8. From on or about July 1, 2002 to on or about December 19, 2002, at Philadelphia in the Eastern District of Pennsylvania, defendants

DANIEL J. SEAL, II
NICHOLAS PAZ

conspired and agreed together to commit an offense against the United States, that is, to corruptly persuade and attempt to corruptly persuade Harvey Clanton with the intent to influence the testimony of Harvey Clanton in an official proceeding, that is, a federal grand jury sitting in the Eastern District of Pennsylvania, investigating, among other things, possible federal criminal

violations committed by defendant NICHOLAS PAZ, Harvey Clanton and others, in violation of Title 18, United States Code, Section 1512(b)(1).

MANNER AND MEANS

It was part of the conspiracy that:

9. Defendant DANIEL J. SEAL, II informed prosecutors that his client, defendant NICHOLAS PAZ, wanted to cooperate with the government in the investigation of other persons who committed criminal offenses. By cooperating, defendant NICHOLAS PAZ hoped to have the government seek a reduced sentence for him.

10. Instead of providing truthful, complete and accurate information and testimony as required by the government, defendant NICHOLAS PAZ attempted to provide the government with false information. Defendant NICHOLAS PAZ also sought to have his codefendant, Harvey Clanton, provide the same false information to the government.

11. Because defendant NICHOLAS PAZ was separated from Harvey Clanton, defendant PAZ asked defendant DANIEL J. SEAL, II to carry messages to Harvey Clanton about the false information that defendant PAZ intended to, and did, communicate to the government.

12. Defendant DANIEL J. SEAL, II visited Harvey Clanton at the Federal Detention Center in Philadelphia and told Clanton about the false information that defendant NICHOLAS PAZ intended to, and did, communicate to the government.

OVERT ACTS

In furtherance of the conspiracy, the defendants committed the following overt acts in the Eastern District of Pennsylvania:

1. On or about July 1, 2002, at the direction of defendant NICHOLAS PAZ,

defendant DANIEL J. SEAL, II visited Harvey Clanton at the Federal Detention Center in Philadelphia. Defendant SEAL signed into the Federal Detention Center as an attorney for Harvey Clanton even though defendant SEAL did not have the permission of Clanton's lawyer to meet with Clanton.

2. On or about July 1, 2002, defendant DANIEL J. SEAL, II gave Harvey Clanton a note from defendant NICHOLAS PAZ.

3. On or about July 1, 2002, defendant DANIEL J. SEAL, II told Harvey Clanton that defendant NICHOLAS PAZ was going to cooperate with the government. After defendant SEAL told Clanton what information defendant PAZ intended to provide to the government, Clanton told SEAL that some of the information was false.

4. On or about July 8, 2002, defendant NICHOLAS PAZ caused a letter to be sent to Harvey Clanton at the Federal Detention Center in Philadelphia. In this letter, defendant PAZ stated that he knew that Clanton did not like the idea of providing false information to the government.

5. On or about July 30, 2002, defendant NICHOLAS PAZ, in the presence of defendant DANIEL J. SEAL, II, told the government some of the same false information that defendants PAZ and SEAL had communicated to Harvey Clanton.

6. On or about August 6, 2002, at the direction of defendant NICHOLAS PAZ, defendant DANIEL J. SEAL, II visited Harvey Clanton at the Federal Detention Center in Philadelphia. Defendant SEAL met at the Federal Detention Center with Harvey Clanton even though defendant SEAL did not have the permission of Clanton's lawyer to meet with Clanton.

7. On or about August 6, 2002, defendant DANIEL J. SEAL, II told Harvey Clanton that defendant NICHOLAS PAZ had provided the information they previously had discussed to the government.

8. On or about December 19, 2002, defendant DANIEL J. SEAL, II spoke with Harvey Clanton on the telephone and told Clanton that Clanton could provide the government with some of the same information that defendant NICHOLAS PAZ had provided to the government.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 to 7 and 9 to 12 of Count One are incorporated here.

2. On or about July 1, 2002, at Philadelphia, in the Eastern District of

Pennsylvania, defendants

**DANIEL J. SEAL, II
NICHOLAS PAZ**

corruptly persuaded, attempted to corruptly persuade, and aided, abetted and willfully caused the corrupt persuasion of Harvey Clanton with the intent to influence the testimony of Harvey Clanton in an official proceeding, that is, a federal grand jury sitting in the Eastern District of Pennsylvania, investigating, among other things, possible federal criminal violations committed by defendant NICHOLAS PAZ, Harvey Clanton and others.

In violation of Title 18, United States Code, Sections 1512(b)(1) and 2.

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 to 7 and 9 to 12 of Count One are incorporated here.
2. On or about July 8, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

NICHOLAS PAZ

corruptly persuaded, attempted to corruptly persuade, and aided, abetted and willfully caused the corrupt persuasion of Harvey Clanton with the intent to influence the testimony of Harvey Clanton in an official proceeding, that is, a federal grand jury sitting in the Eastern District of Pennsylvania, investigating, among other things, possible federal criminal violations committed by defendant NICHOLAS PAZ, Harvey Clanton and others.

In violation of Title 18, United States Code, Sections 1512(b)(1) and 2.

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 to 7 and 9 to 12 of Count One are incorporated here.
2. On or about August 6, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendants

**DANIEL J. SEAL, II
NICHOLAS PAZ**

corruptly persuaded, attempted to corruptly persuade, and aided, abetted and willfully caused the corrupt persuasion of Harvey Clanton with the intent to influence the testimony of Harvey Clanton in an official proceeding, that is, a federal grand jury sitting in the Eastern District of Pennsylvania, investigating, among other things, possible federal criminal violations committed by defendant NICHOLAS PAZ, Harvey Clanton and others.

In violation of Title 18, United States Code, Sections 1512(b)(1) and 2.

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

1. Paragraphs 1 to 7 and 9 to 12 of Count One are incorporated here.
2. On or about December 19, 2002, at Philadelphia, in the Eastern District of Pennsylvania and elsewhere, defendant

DANIEL J. SEAL, II

corruptly persuaded, attempted to corruptly persuade, and aided, abetted and willfully caused the corrupt persuasion of Harvey Clanton with the intent to influence the testimony of Harvey Clanton in an official proceeding, that is, a federal grand jury sitting in the Eastern District of Pennsylvania, investigating, among other things, possible federal criminal violations committed by defendant NICHOLAS PAZ, Harvey Clanton and others.

In violation of Title 18, United States Code, Sections 1512(b)(1) and 2.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney